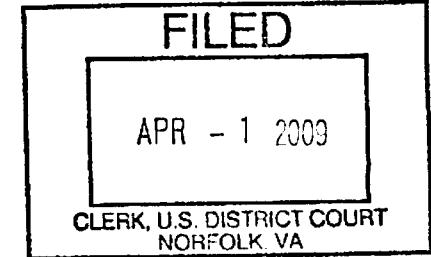


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



PETER JOHN HUHNE, #52233-019,

Petitioner,

v.

ACTION NO. 2:08cv523

PATRICIA R. STANSBERRY, Warden,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner, a federal inmate incarcerated at Petersburg, FCC, challenges the determination that he is not entitled to confinement at a community corrections facility until three months prior to his projected release date in November 2009.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. On March 3, 2009, a report and recommendation was filed recommending dismissal of the petition because the Bureau of Prisons complied with 18 U.S.C. §§ 3621(c) and 3624(b) when determining the date Petitioner will be transferred to community confinement. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations. On March 17, 2009, the Court received Petitioner's Objections to the Report and Recommendation (Doc. 19). Respondent filed a response to the objections (Doc. 20) on March 25, 2009.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Magistrate Judge's Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed March 3, 2009. It is, therefore, ORDERED that Respondent's Motion to Dismiss be GRANTED, that the petition be DENIED and DISMISSED, and that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 60 days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.

/s/ *JBF*
Jerome B. Friedman

United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

April 1, 2009